

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

KIM K. SUMNER,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-cv-00539

**MARYLAND JUDICIARY/DISTRICT COURT
OF MARYLAND, et al.,**

Defendants.

000

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME FOR FILING RESPONSE
TO DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT
OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Plaintiff, Kim K. Sumner, by her undersigned counsel, moves pursuant to Federal Rule 6(b)(1), to enlarge the time for filing a response to Defendants' Motion to Dismiss Amended Complaint or in the Alternative, for Summary Judgment ("MD-SJ") (ECF 63). In support of the instant motion, Plaintiff states:

1. On February 27, 2014, Plaintiff, through undersigned counsel, filed a Motion for Leave to File Amended Complaint (ECF 40) and proposed Amended Complaint (ECF 40-1).
2. After Defendants' counsel sought – without objection and on the plausible basis of the pressure of other matters – three extensions of time to file an opposition to Plaintiff's motion for leave to amend, the Court denied the final extension request and granted Plaintiff's motion to amend on April 21, 2014 (ECF 50).
3. On May 5, 2014, all parties filed a joint motion to allow Defendants until on or before

July 7, 2014, to file a “consolidated responsive pleading”. ECF 52. On May 6, 2014, the Court granted the foregoing motion. ECF 53.

4. On July 8, 2014, Defendants filed a Motion to Dismiss or, in the alternative, for Summary Judgment (“MD-SJ”), ECF 58, with a supporting memorandum, ECF 58.1, that consumes 52 pages and includes citations to 94 decisional and codified authorities. Papers superseding or supplementing ECF 58 and 58.1 were filed on July 10, 2014, including a “corrected” MD-SJ, a “redacted”, 54-page supporting memorandum, ECF 63.1, and a five-page “addendum” to the supporting memorandum, ECF 63.2, along with renewed motions to seal exhibits 4 and 5, ECF 64 and 65. Electronic service of the motion papers filed on July 10 was effected also on July 10, and thus the response period would conclude, pursuant to Local Rule 105.2.a, on July 24 in the absence of the enlargement of time sought herein.

5. Plaintiff’s counsel is a solo practitioner with limited administrative support, specifically an administrative assistant who works eight to twelve hours per week. Defendants’ MD-SJ and the accompanying Memorandum and Addendum were filed, by the Office of the Attorney General of Maryland, more than *four months* after service of the amended complaint and more than two months after the Court granted Plaintiff’s motion for leave to amend. Despite Defendants’ counsel’s repeated requests for enlargements of time based on her evidently substantial workload, undoubtedly the resources available for defending the instant case vastly exceed the resources available to Plaintiff. Given the volume and complexity of the arguments presented in the subject papers, undersigned counsel could not possibly prepare adequate opposition arguments within the time prescribed by the above-cited Local Rule.

6. Plaintiff seeks additional time also to allow for an attempt to mediate a settlement.

Undersigned counsel has proposed and conferred with a private mediator, who is being paid solely by Plaintiff, and is awaiting a response from Defendants' counsel. Burdening Plaintiff with the additional expense of her undersigned counsel's immediate preparation of argument in opposition to the MD-SJ would be manifestly unfair, particularly since both sides have indicated a willingness to try to settle the instant case. *See, renewed* joint request for referral to a Magistrate Judge for mediation. ECF 55.

7. Defendants' counsel, Michele J. McDonald, Esq., Assistant Attorney General, advised undersigned counsel on July 11, 2014, that she would not oppose an enlargement of time that would allow 60 days for the filing of Plaintiff's opposition to the MD-SJ. After conferring with Ms. McDonald as aforesaid, undersigned counsel realized that she has a major family event scheduled for September 8 and requests the Court's indulgence of an additional two days.

WHEREFORE, Plaintiff respectfully requests that this Court grant her motion and extend the time for Plaintiff to file a response to Defendants' MD-SJ to and including September 10, 2014.

Dated: July 17, 2014.

Respectfully submitted,

/s/Gerardine M. Delambo
Attorney for Plaintiff
705 Deepdene Road
Baltimore Maryland 21210
Attorney for Plaintiff
Bar Number 28175

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July 2014 a copy of the foregoing motion for an enlargement of time was transmitted via the Court's electronic filing system to Defendants' counsel:

Michele J. McDonald, Esq.,
Assistant Attorney General
Chief Counsel, Courts and Judicial Affairs Division
Office of the Attorney General
200 St. Paul Pl, 20th floor
Baltimore, MD 21202
mmcdonald@oag.state.md.us

Attorney for Defendants

/s/Gerardine M. Delambo